



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 19, 2022

By ECF

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *United States v. Sylvia Ash,*
SI 19 Cr. 780 (LAK)**

Dear Judge Kaplan:

The Government respectfully writes in the above-captioned matter regarding the Court's determination of restitution, which the Court had deferred in the Judgment until today's date, July 19, 2022. (Dkt. No. 180, at 5.) Although Section 3664(d)(5) of Title 18 of the United States Code provides that if the victim's losses are not ascertainable ten days prior to sentencing, "the court shall set a date for final determination of the victim's losses, not to exceed 90 days after sentencing," as the Court did here, this rule is merely a "time-related directive" and does not "deprive the court of the power to order restitution" after the 90-day deadline, *see Dolan v. United States*, 560 U.S. 605, 611 (2010). Therefore, the Court retains jurisdiction to determine and award restitution even after July 19, 2022, and the Government and Municipal Credit Union remain available to provide any additional information that the Court requires in order to enter an appropriate restitution award.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: s/ Eli J. Mark
Eli J. Mark
Daniel C. Richenthal
Jonathan E. Rebold
Assistant United States Attorneys
(212) 637-2431/2109/2512
Alona Katz
Special Assistant United States Attorney

Honorable Lewis A. Kaplan
United States District Judge
July 19, 2022
Page 2

cc: (by ECF)

Carrie Cohen, Esq.
Nathan Reilly, Esq.
Janie C. Buckley, Esq.